REGARDING THE CROWN LANDS.

Text of the Report Presented to the Councils.

NATIVES ENCOURAGED TO INVEST

The Revenue For the Last Two Years Amounted to \$98,537.50 - Valuable Cane Lands Bring But a Dollar an Acre-Improvements at Olas, Hawali.

The following is the report of the Crown Land Commissioners for the last biennial period. It was prepared by Curtis P. Iaukea, the agent of the Crown Land Commissioners, and presented at the last meeting of the Councils. It was not read at the time, but was accepted and ordered printed. To further increase the value of the report, several maps will accompany each printed copy. The maps were engraved at this office. The report will be found interest-

Under the provisions of the Act approved January 3, 1865, by virtue of which the business of this office is transacted, the Crown Lands cannot be aliensted in fee but can on y be obtained by lease for a term of years not exceeding thirty, au-thority to lease the said ands being vested in a Board of Commissione's to con-sist of two members from the Executive Council and a Land Agent.

At present the Council is represented on the Board by the Mini-ter of Interior and the Attorney-iseneral.

Previous to the year 1892, the Crown Lands were more or less a ministered in the nature of a private estate, it being held that the Sovereign, to whom the revenues belonged, had a vested right to the lands. Whether t e claim was a just one or not the question as to its validity was never rai ed and as a result the management of the lands was largely controlled by the Sovereign.
With the commencement of the year

1892 a new d-parture was taken which materially changed the management of the Crown Lands, and a decided im-provement over the old method of leas-ing whole tracts of land to a few individuals without conditions requiring improvement or cultivation. The system of land settlement inaugurated in 1892 marks an important feature in the transactions of this office during the period

OLAA SETTLEMENT, PUNA, HAWAII.

The opening of the new Volcano road through the land of Olas in the district of Puna, Hawaii, brought within easy access of market a lar, e area of fertile land which had hitherto remained inac-cessible and practically unshown. With a view of securing the settlement of the land by an industrious class, special in-ducements were offered to settlers and the land thrown open for free selection in limited areas under certain con-ditions as to improvement, the tenure

being a thirty y-ar lease.

As a direct result of this system the total area now occupied for actual settlement and cultivation at Olas, exclusive of the Homestead Reservation, is 11,478 97 acres, in 85 separate holdings. or an average to each selector of 135

HOMESTEAD RESERVATION AT OLAA.

In response to the claims of a considerable number of native Hawaiians, tenants of the land of Oaa, a reservation of about 1400 acres was set apart specially for the use of native Hawaiians. ble sections were allotted to each in the nature of homesteads, continuous residence being required for five years, during which period no rent was chargeable. Forty seven have acquired holdings, oc-cupying a total area of 482 acres.

The settlers with their families, numbering about a hundred, are thrifty and in fairly comfortable circumstances. church has been erected at the settlement and all that is now needed is a suitable school where their children may receive the advantages of an early train-ing and education. The attention of the Government is respectfully invited to the needs of settlers in this regard.

KAIMU AND WATAKOLEA HOMESTEADS.

The satisfactory results attained at Olaa under this system led to its application to the lands of Kaimu and Waiako-lea, also in Puna, Hawaii. These lands are near the extreme end of the district. Nearly all of the tenants have acquired homesteads under conditions requiring residence and improvement as at Olaa 140 acres are occupied under this system in 15 separate allotments, all of the selectors being native Hawaiians.

PUUKAPU HOMESTEADS, WAIMEA, HAWAII.

During the latter part of 1893, arrangements were concluded with the Trustees of the Parker estate, by which a large and valuable section of the Crown land of Punkapu in Waimea, Hawaii, was surrendered to the Commissioners and devoted to homestead purposes. This reservation of 1000 acres comprises all that rich and fertile land adjaining the vi lage of Waimea, on the side toward Hamakus, and includes the slopes overlooking the Waimea Plains. The Government road to Hamakua crosses the middle of the reservation at an elevation

of 2500 feet. In off-ring the land for occupancy, preference was given to native Hawai-ians, the object being to encourage them in every way possible to acquire suitable sections of land where they might in due time build and establish for themselves and their children comfortable homes. As an additional inducement the cos of survey was assumed by the Commissioner- and the land offered under the most liberal terms Notwithstanding this, several of the natives in Waimes have not availed themselves of largest coffee producing land on the islands the advantages. It is gratifying to and of Hawaii state, however, that after a little personal encouragement by your agent while visit-

native Hawaiians. This practically disposes of the whole reservation, the rest of the land being taken up for road

space
The following is the summary of lands taken up under settlement conditions on the island of Hawaii since Janua y 1st,

Total	Puukapu	Olaa Settlement.	Kaimu & Waiakolea Jan. 1, 1892	Olaa Homestead Jan. 1, 1892	SETTLEMENT.	
Totu'	Septm. 1893.	July 1, 1892	ea., Jan. 1, 1892.	Jan. 1, 1892	DATE WHEN FORMED.	
206	669	85	15	47	HOLDINGS.	
13,034 66	938,75	11,478.97	139.80	Acres. 482.14	TOTAL AREA TAKEN UP.	
68.27	15.83	135.05	9.32	Acres. 10.26	AVERAGE TO EACH SELECTOR.	
\$15,681 57	238 65	14,889 24	71 49	\$ 482 19	AMOUNT RENTAL PAYABLE,	

From the foregoing s'atement it will e seen that the total area of Crown land now held under the homeste id plan is 13,034 66 acres in 206 separate allotments, argregating a total annual rental of \$15 681 57. The results above disonly what can be accomplished by opening up the lands and making them accessible to the small holder, but as also indicating what toe future might being if a vigorous policy of land a ttlement was pursued under conditions more favorable to the settler. A system that will secure to the lessee the value of his im-provements with the right to acquire the rechold to his all tment after tu fi ment I c rtain conditions as to improvements, seems to be what is needed; a system that will be free from the evils of speculative auction sales.

TENURE AND CONDITIONS.

The tenure under which the lands are neld is a thirty year lease and the conditions substantially as follows: Payment of rent commonces at the end of the third year, which varies according to location and quality of land. The lessee pays all taxes and other imposi-tions required by law. Within one year from commencement of lesse, he must clear and plant not less than two per cent, of the allotment; during the second year three per cent., and within the third year five per cent., with fruit trees, and during continuance of lease properly cu tivate the same. In addition to the above, the land must be further improved by the erection of buildings and fences to the value of \$500. Residence, except at the Homeste d Reservations, is not com pulsory, but actual settlers are given a reduction of rent at the rate of one-fourth the amount. For the preservation of the natural woods and beautiful foliage which forms one of the Volcano road's chief at ructions, a provi ion in the Olaa leases prevents the cutting and destroying of trees, bru-h or undergrowth, except for purposes of roadway, within 250 feet of the Volcanor ad.

PERMANENT IMPROVEMENTS.

In order that a good idea may be formed of the progress that has been made by the settlers in the way of improvements, I would respectfully call attention to the report of Mr. E. D. Baldwin, herewith annexed, who has had personal sopervision in connection with his office, of the survey operations at Olaa and the Kaimu and Waiakolea homesteads. His report is most interesting and contains a detailed statement of the improvements put on the land, more particularly at Olsa where most of the settlers are The returns show that 117 houses and cabins have been built, valued, including fences, at \$23,344 00. Of the 600 acres cleared nearly 400 are planted in coffee. The trees set out are: coffee, 286,000; cocoa, 692; tea plants, 3500; and assorted foreign and domestic fruit trees, about 1700, valued at \$27,146.40. Including the Puukapu returns, the total value of perma-

next improvements is \$50,490.40.

I would also call particular attention to the portion of Mr. Baldwin's report recommending the opening of a read between Olaa (Crown), and the land of Keaau (private). The proposed road will open up an immense tract of good coffee land, not only on the lands named, but also on the Crown land of Waiskes. is estimated that there are between 20,-000 and 39,000 acres of coffee land in this neighborhood at present inaccessible If this project is carried out, arrangements might be made with the Wajakea Mill Co., present lessee, by which all of the upper portion of the land of Waiskea, above the case belt, could be made avail able for settlement.

The total area of the Crown Lands, throughout the group is approximately 971,463 acres, distributed by islands as

TOTTOWB.	
ISLAND.	ACRES.
Hawaii	642 852
Mani	69,121
Motokai	20,892
Lanai	17,369
Oahu	66,593
L. common de la	154 6546

It is almost impracticable at this writng to make any distinction between the various classes of lands, as many of the larger and more valuable tracts are yeun-urveyed and little known. A striking illustration of this is the land of Olaa, near Hilo, which, until very recently, was generally considered mostly rocky and of little value as agricultural land. Now this is one of the most valuable of the Crown Lands and promises to be the

For the reasons above given, no little difficulty has had to be overcome in ing Wa mea, 59 selections have been asc rtaining their approximate value, made covering a total area of \$3.75 sufficient information is at hand, howacres. Of the selectors, all but three are

tion of their value, which, for present In the Supreme Court of the Hapurposes might be deemed sufficient. In the pursuit of this particular work this office has received the kind assistance of Mr. J. F. Brown, of the Government survey, who is a good and experienced judge of Hawaiian land values.

A description of all the lands accompanies this report, which, though far from being complete, furnishes a very good idea of their general character and the uses to which they might be put This work has occupied much time and labor, and it is to be hoped that it will constitute the basis of an extended and complete investigation as to the inture possibilities and adaptation of these lands for sett ement and agricultural de-

CROWN LAND BEVENUE.

The revenue is derived entirely from rents and amounts as of March 31, 1894, to \$49 268 75 annually, or for the two years, \$98,537 50 This amount, how-ever, does not include the rental (yet to be derived) represented by leases issued under special conditions of settlement, or in the nature of homesteads, which amounts to \$15,681 57 per annum. The rent roll shows the leases from which the present revenue is derived, with the names of lessees, date of leases, term of years, annual rentals, and the lands held under each lease. It will be seen that quite a number of the lands, the more valuable ones, are held for long terms of years and in many instances the rents fall far below the prevailing market rates. The following cases will serve to illustrate this:

	Anahola		Waimanalo.		Humnula	Wajakea	Waiohinu	Kapanala	LAND,
Totals	Kauai	. Waianae	Koolau	Hamakua.	Hilo	Hilo	Kau	Kau	LOCALITY
.424,42:8	13,474	14,772	6 500	0, 76	101,000	95,000	15,210	172,789 \$	AREA. 1
8,005	600	700	1,500	300	1,000	2,00	600	1,200	HENTAL
Totals 424,42: 8,005 Fotal cane land.	700 acres caue.	500 acres cane.	2 0 acres cane.	foan Lots Punchhowl		3000 acres cane.	Valuab e water springs.	Exe-lient grazing.	REMARKS.

acreage of 424,422, including upward of 7800 acres cane land with a very large preportion of good grazing land, the rental per acre averages less than two cents, and for the cane land alone, a fraction over one dollar per acre. These comprise some of the choicest lands in the country.

Of the present revenue, \$49 268 75, the sum of \$46,634.25 has leen collected, leaving rents remaining due and unpaid on March 31st last, \$2632.50, nearly all of which being for an a tvance period.

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waiian Islands.

MARCH TERM, 1894.

M. POLAPOLA VS. MARIA KRAHI CARR AND FRANK CARR HER HUSBAND.

BEFORE JUDD, C.J., BICKERTON, AND PREAR, JJ.

> IN EQUITY. BILL TO SET ASIDE A DEED.

APPEAL FROM CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT.

The plaintiff brought a bill in equity to set aside a deed. The defendant pleaded in bar a decision in a law case (ejectment) where the Court had held the said deed to be a convevance of certain interests in land. Held that the decision pleaded in bar was no bar to the proceedings in Equity, either to set aside or reform a deed.

OPINION OF THE COURT BY BICKERTON, J.

This is a bill in equity to set aside a deed, and the defendants filed their plea in bar in which they say: "That on the 3d day of May, 1892, in the case of Maria K. Carr and Frank Carr her husband against M. Pola pola and the Puuloa Sheep and Stock Ranch Company, these defendants recovered judgment in the Supreme Court of the Hawaiian Islands at Chambers before Mr. Justice Dole whereby the title to the land and property set forth in the plain-tiff's bill was adjudged upon in favor of these defendants and defendants were there and then adjudged to be entitled to all and singular the right, title and interest of said Polapola in and to said property and as also were ad-judged all the matters and things alleged in the plaintiff's bill.
"Therefore the said defendants Pure

plead the said judgment in bar to the plaintiff's bill of complaint here in and pray the judgment of this Honorable Court whether they shall be compeled to make any further answer to the said bill and pray to be hence dismissed with their reasonable costs in this behalf expended and to such other relief as to the Court may seem meet."

After argument the Court overruled the plea and the matter now comes here upon appeal from such

The whole question for us to consider is, was the point now raised in this case passed upon in the judg ment which is now pleaded in bar. We have carefully examined the former case and the decision therein by Mr. Justice Dole. He says: "It is necessary for me to construe the deed as a conveyance of the whole interest of the four grantors in the premises to the plaintiff, Mary K. Carr, but Polapola's testimony that the women were told that unless they got their husbands to sign the deed it would not be good, supports his claim that the intention was to sell only the interest supposed to be inherited by the women, from the deceased Makanana, and might be conwere showered upon them. Through shows conclusively that the Court ed. It was a proceeding at law, and the Court could not consider nor pass upon the validity of the deed, set it aside or order it reformed, and properly held that such a matter could only be considered in a Court of Equity. The Court simply passed upon the legal construction of the deed as presented; it could do nothing else; it was limited; it had no jurisdiction to pass on the question now raised. This question was

clearly left open. We are unable to find any bar to the equity proceeding. We there-fore sustain the ruling of the lower Court overruling the plea in bar.

Appeal dismissed. Kane for plaintiff; Creighton and Peterson for defendants. Honolulu, May 15, 1894.

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